

s72 Amendment Planning Assessment - Officer Report

PA2000916-1 119 Moorabool Street,
Geelong



Section 72 Amendment Planning Assessment - Officer Report Development Assessment

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Department
of Transport
and Planning

OFFICIAL

Executive Summary



Key Information	Details										
Permit No:	PA2000916-1										
Permit Allows:	<i>Use and development of the land including alterations and additions to the existing building, use of land as a licenced food and drink premises (bar), partial demolition and display of a sign in a Heritage Overlay, and a reduction of car and bicycle parking requirements, in accordance with the endorsed plans.</i>										
Land Address:	119 Moorabool Street, Geelong										
Amendment Received:	4 March 2026										
Statutory Days:	36										
Applicant:	Context Planning Pty Ltd										
Planning Scheme:	Greater Geelong										
s72 Proposal Summary:	The proposal seeks to amend the permit pursuant to s72 of the 'Planning and Environment Act 1987' to allow for the erection and display of internally illuminated business identification signage.										
Development Value:	Approved value: \$ 4.9m										
	Amended value: \$ 4.9 m										
Why is the Minister responsible?	S. 72 Application for amendment of a permit <i>(1) A person who is entitled to use or develop land in accordance with a permit may apply to the responsible authority for an amendment to the permit.</i>										
Planning Controls:	<table border="1"><thead><tr><th>Control</th><th>Trigger</th></tr></thead><tbody><tr><td>Clause 37.08 – Activity Centre</td><td>No (Applies 52.05 sign category)</td></tr><tr><td>Clause 43.01 – Heritage Overlay</td><td>Yes</td></tr><tr><td>Clause 43.02 – Design and Development Overlay</td><td>No</td></tr><tr><td>Clause 52.05 - Signs</td><td>Yes</td></tr></tbody></table>	Control	Trigger	Clause 37.08 – Activity Centre	No (Applies 52.05 sign category)	Clause 43.01 – Heritage Overlay	Yes	Clause 43.02 – Design and Development Overlay	No	Clause 52.05 - Signs	Yes
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Clause 43.01 – Heritage Overlay	Yes										
Clause 43.02 – Design and Development Overlay	No										
Clause 52.05 - Signs	Yes										
Background Information:	<p><u>Condition Compliance</u> Condition 1 (Amended Plans) and Condition 5 (Heritage) were endorsed on 15 December 2021. Condition 6 (Heritage – demolition method statement) and condition 7 (noise management) were discharged on 15 April 2025.</p> <p><u>Secondary Consent</u> On 3 September 2024, the architectural plans were amended primarily for the removal of the bar component and subsequent internal and external alterations. It is noted that whilst the amendment removes a land use which is permitted by the preamble, it does not preclude the proposal from operating without the land use forming part of the uses in the building.</p> <p><u>Extension of Time</u> An Extension of Time was approved on 27 April 2024, allowing for commencement of the development by 27 April 2025 and completion by 27 April 2027 or the permit would lapse. An extension of Time was approved on 11 April 2025, allowing for commencement of the development by 27 April 2027 and completion by 27 April 2029 or the permit would lapse.</p>										
Referral Authorities:	City of Greater Geelong (s55 recommending) – consent subject to conditions Development Victoria (Informal) - consent										
Public Notice:	Notice of the application under section 52 of the Act was not required.										



Delegates List: Not required.

Recommendation: The amendments to the permit are recommended for approval.

Background



1. The key milestones in the application process were as follows:

Milestone	Date
Application lodgement	4 March 2026
Decision Plans	Plans prepared by signmanager, titled '115-153 Moorabool Street Geelong' and dated 18 December 2025.

2. The subject of this report is the decision plans (as described above).



3. The proposal pursuant to s72 of the 'Planning and Environment Act 1987' seeks to amend the planning permit to allow for the erection and display of internally illuminated business identification signage.
4. T.K.Max (retail operator) is a prospective tenant to which the proposed signage is proposed to benefit. The subject site has remained vacant for multiple years, and this potential operator currently considering signing a lease to operate from the subject site is submitted to have potential to represent an 'anchor' within the subject retail precinct to which the site is situated within.
5. The use of the building for the purpose of retail does not require planning permission.
6. Design details of the proposed signage is as follows:
 - **Sign 1:** One illuminated sign 1 metre by 5 metres on the Moorabool Street façade, shown on the plans as Sign 1. This sign is stainless steel fabricated letters with white LED illuminated face and red halo LED illumination.
 - **Signs 2, 3 & 4:** Three illuminated signs 1.5 metres by 0.3 metres on the corner element of the Brights and Hitchcock building, shown on the plans as Signs 2, 3 and 4. These signs are stainless steel fabricated letters with white LED illuminated face and red halo LED illumination.
 - **Sign 5:** One illuminated sign 1 metre by 5 metres on the Little Malop Street façade, shown on the plans as Sign 5. This sign is stainless steel fabricated letters with white LED illuminated face and red halo LED illumination.
 - **Sign 6:** One illuminated red aluminium signage panel with stainless steel fabricated letters, white LED illuminated face and red halo LED illumination. This sign is shown on the plans as Sign 6 and it is 5 metres by 1.5 metres, with the 'TK Maxx' wording being 0.7 metres by 3.5 metres.
 - **Sign 7:** One acrylic push through acrylic sign on a mondo clad panel background equating to 3m x 0.6m.
 - **Sign 8:** Provision of a double-sided illuminated sign, shown as Sign 8 on the plans, with a 1.3 metre diameter and located below verandah level on the Moorabool Street frontage of the site.







Site Surrounds

13. The site is located in the middle of the Central Geelong Activity Centre. The surrounding development consists mainly of two-three storey retail and office buildings. Retail is primarily located on the ground floor and offices or other uses are located above street level. A significant amount of the surrounding streetscape is covered by the Heritage Overlay.
14. A high proportion of the shopfronts along this section of Moorabool Street are currently vacant, which reflects a trend over the past 5 to 10 years with a major downturn in economic activity, including within Market Square. The immediate area has also experienced significant anti-social behaviour and vandalism due to the lack of commercial activity and passive surveillance. Surrounding land uses and development includes:
 - To the **north** of the site is Little Malop street, a one-way road with wide pedestrian footpaths on either side. The street is heavily planted with feature street trees in a shopping mall environment. Market Square and the main bus stops associated with Central Geelong are located on the opposite side of the street.
 - To the **south** of the site are continuous attached double storey shops primarily used as food and drink premises, with many currently vacant. On the corner of Moorabool and Ryrie Streets is the 'T & G House' building which is an architecturally significant five storey heritage building which accommodates a range of boutique retail businesses along the street frontages.
 - To the **east** of the site is Rock O'Cashel Lane which provides service access to the subject site and various other surrounding buildings.
 - To the **west** of the site are predominantly two storey retail and office buildings.



Referrals

15. The application was referred to the following groups:

Provision / Clause	Organisation	Date Response Received
Section 55 Referral – Recommending (Clause 66.04 applied)	Development Victoria	10 March 2026
Section 55 Referral – Recommending (Clause 66.04 applied)	Greater Geelong City Council	8 April 2026

Municipal Council Comments

16. The Greater Geelong City Council considered the application and provided the following comments relative to the proposal on Wednesday 8th April 2024.

Council Comment	Assessment Response To Council Recommendation
<p>General Comment</p> <p>Thank you for your correspondence dated 10/03/26 in respect of the above planning permit application. This response is in relation to the plans (Rev B) by Sign Manager dated 08 12 2025 and the plans (No. C) by Hamilton Clark dated 24.09.25.</p> <p>The City of Greater Geelong (the City) has considered the above application as a Recommending Referral Authority as identified in the Schedule to Clause 66.04 in the Greater Geelong Planning Scheme and Section 55 of the Planning and Environment Act 1987.</p> <p>As a Recommending Referral Authority pursuant to Section 56(1)(c) of the <i>Planning and Environment Act 1987</i> we advise that the City does not object to the granting of a planning permit subject to conditions (see Condition 1 below).</p> <p>The City of Greater Geelong (CoGG) has considered the proposed changes which include:</p> <ul style="list-style-type: none"> • Three (3) internally illuminated business identification signs (Signs 2, 3, & 4) on the bandstand's external walls. The signs will advertise T.K.Maxx using illuminated letters. Each sign measures 1.5 m by 0.3 metres. • An internally illuminated business identification sign (Sign 1) is proposed on the western wall of the building. The sign will advertise T.K.Maxx using illuminated letters. The sign measures 1 m by 5 m. • An internally illuminated business identification sign (Sign 5) is proposed on the northern wall of the building. The sign will advertise T.K.Maxx using illuminated letters. The sign measures 1 m by 5 m. • An internally illuminated business identification sign (Sign 6) is proposed on a red "staging panel". The sign is to advertise T.K Maxx using illuminated letters on an illuminated red background. The display area of the sign measures 1.5 m by 5 m. • A business identification panel sign (Sign 7) is proposed is proposed between glazed shopfronts on 	<p>Council consent subject to conditions noted.</p>



<p>the western elevation. The sign will advertise T.K.Maxx using acrylic letters on a "Red Mondo Clad Panel".</p> <ul style="list-style-type: none"> • A high wall sign (non-illuminated) consisting of individual letters forming the word "BRIGHTS" on the western elevation. • Replace rotunda roof. 	
<p><u>Heritage</u></p> <ul style="list-style-type: none"> • Photos provided as part of Council's Heritage Advisor's referral response, as well as indication of a permit granted for a Claude Neo Light sign in 1937, demonstrate that an internally illuminated sign showing "B&H" did form part of the front corner of the bandstand. On the adjoining faces of the bandstand, signs showing a date can be seen. A "Brights" logo can also be seen on the signboard facing Moorabool Street. While this signage has been identified, the Heritage Advisor indicates at issue is the cumulative impacts of illuminated signage which is not traditional to the building. For the 1m x 5m illuminated T.K.Maxx signs, these are considered to be proportional to the building, however these signs should consist of non-illuminated backlit LED letters as encouraged by the City of Greater Geelong Sign Guidelines (2024) for Heritage Places. 	<p>Heritage advisor comments stating signage should be non-illuminated is noted. A detailed assessment relevant to illumination of signage considerations is provided below.</p>
<p><u>The City of Greater Geelong Sign Guidelines</u></p> <ul style="list-style-type: none"> • The City of Greater Geelong Sign Guidelines, an incorporated document within the planning scheme, have been applied to assess the proposed signs. There are guidelines relating to Category 1 signs in Pedestrian Oriented Commercial Areas and Central Geelong signs which are relevant. It is considered that the signs do not prevent views to the Geelong Waterfront and bay and do not form part of the City's skyline. It is not considered that the proposed signs will cast shadows beyond existing shadows of the building. • The T.K.Maxx sign on the red staging panel (Sign 6) is discouraged. Sky signs, which include signs "<i>fixed to a structure (not a building) so that part of it is more than 7 metres above the ground</i>", are discouraged by the Sign Guidelines from being erected in the ACZ unless they improve the amenity of an area or appearance of the host building and streetscape. As the sign seeks to identify a business rather than improve the appearance of the building or streetscape and blocks the view out of the building's windows reducing amenity, it is not considered an appropriate component of the application. It is also considered that if the sign is to be retained, that it is not internally illuminated given the cumulative visual impacts of the extent of illuminated signage proposed. 	<p>Council acknowledge:</p> <ul style="list-style-type: none"> • The signage will not cause adverse impact in relation to detracting of views to the Geelong waterfront or in regards to overshadowing the public realm. <p>Council discouragement of the red staging panel to sign 6 is noted with reference to "the guidelines". Detailed consideration to the signs materiality, sizing, extent and locations are provided below.</p>
<p><u>Clause 52.05</u></p> <ul style="list-style-type: none"> • The decision guidelines for all signs are outlined in Clause 52.05-8. In relation to the character for the area, the guidelines aim to avoid the cluttering of signs. It is considered that the three internally illuminated signs on the bandstand contribute to unnecessary clutter when large, illuminated signs are proposed for the northern and western walls of the building and provide sufficient 	<p>Council comments relevant to concerns of signage clutter is noted. A detailed assessment in relation to signage clutter is provided below.</p> <p>Councils recommended condition 1 changes relevant to councils views on clutter and heritage considerations is noted.</p>



opportunity to identify the occupying business. The removal of these signs is in line with the decision guidelines which asks responsible authorities to consider the ability to rationalise signs.

There is a lack of correlation between the plans. While the 3D image provided by SignManager show a large "BRIGHTS" sign on the northern elevation and an internally illuminated sign on western façade (Sign 8), these are not depicted in the elevation plans provided by Hamilton Clark.

If the plans as submitted are to be accepted, the following amended plans condition are recommended to be incorporated into the planning permit for PA2000916:

Proposed Condition 1:

1. Prior to the commencement of the development, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application but modified to show:

- a) Signs 1 and 5 to consist of LED back lighting of non-illuminated letters.
- b) Signs 2, 3 and 4 removed.
- c) Sign 6 removed, or if not removed, consisting of non-illuminated signage.
- d) The location, appearance and materials for Sign 8 are clarified on the western elevation.
- e) The construction/material of the BRIGHTS letter sign on the west façade being documented.
- f) The location, appearance and materials of other proposed BRIGHTS letter sign demonstrated on the northern elevation.

Note: Sign 6 would be supported to be re-located on the ground floor canopy fascia

Should revisions be made to the proposal that respond to the items raised, the City would welcome the opportunity to further review this response with a view to provide support.

DTP does not agree with these recommended changes (with exception to change 1d, 1e and 1f) based on the below detailed assessment. Condition changes recommended to be applied on permit are outlined below.

Other Statutory Referrals

Development Victoria

17. Development Victoria provided a response to the proposal on the 10 March 2026 advising no objection to the proposal.

Notice

18. The application is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the *Planning and Environment Act 1987* pursuant to the following provisions:

- Part 7.0 of schedule 1 to clause 37.08 states that an application under clause 52.05 is exempt
- Clause 43.01-4 states that an application for construction or display of a sign is exempt

Planning Policy

20. None of the applicable policies under the Planning Policy Framework or statutory planning controls within the scheme have changed since the decision on the application and given the nature of the amendments these policies do not need to be re-examined.
21. An assessment relevant to the subject of the proposed amendment is provided below, of which includes regards to the planning policy framework as relevant to the subject matter.

Statutory Planning Controls

22. The zoning and overlay controls remain the same since the decision for the application was made.
23. The proposed internally illuminated signage triggers a planning permit requirement pursuant to the below provisions, of which an assessment is required to be considered against relevant to the subject matter.
24. The proposal in summary triggers a planning permit against the following provisions:
 - Clause 43.01-1 (Heritage Overlay) - a permit is required to construct or display a sign.
 - Clause 52.05-2 (Signs) - a permit is required to construct or put up for display a sign in Section 2.

Clause 37.08 - Activity Centre Zone – Schedule 1

25. The subject site is zoned Activity Centre Zone – schedule 1 (Central Geelong Activity Centre).



Figure 3: Subject site location within the Central Geelong Activity Centre

26. Key relevant land use and development objectives to be achieved within the activity centre as follows:

Land Use:

- To support the Central Geelong Activity Centre as the primary urban centre for the Barwon South West region.
- To establish Central Geelong as a national, state and regional centre accommodating 60,000 jobs.
- To maintain and enhance Central Geelong's role as a vibrant hub for retail, hospitality, arts, health, education and culture.
- To encourage and support the preferred land use objectives for each precinct.

Heritage

- To retain, preserve and protect the heritage built form fabric, streetscapes and character of Central Geelong.
- To ensure development responds sympathetically and innovatively to heritage places.

Public Realm

- To ensure buildings provide a high quality and interactive interface to the street.
- To provide safe, accessible, high-quality streetscape environment.
- To support interaction between the building and the street through active frontages and passive surveillance.

27. Pursuant to part 9.0 of schedule 1 to clause 37.08 'Sign requirements are at Clause 52.05. All land located within the Waterfront Precinct is in Category 3. All other land is in Category 1'.
28. Pursuant to part 7.0 of schedule 1 to clause 37.08 'An application in respect of land in this schedule under Clause 43.01, Clause 52.05, Clause 52.06, Clause 52.07 and/or Clause 52.27 is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

Clause 43.01 – Heritage Overlay – Schedule 272

29. Clause 43.01-1 states that a permit is required to construct or display a sign. Relevant heritage decision guidelines are outlined in clause 43.01-8
30. The subject site is affected by the site-specific HO272 (Bright and Hitchcock Building). The site has local significance in the Geelong area.
31. The heritage citation for the site states the following about the building:

Bright and Hitchcock's premises in Moorabool Street were erected in 1878-79 to be designed by Alexander Davidson and Co, Architects. The bandstand rotunda was added in c1908 during extensive renovations of the two-storey brick and cement rendered building. Bright and Hitchcock's is one of the oldest, if not the oldest established extant drapery business in Victoria and until c1965 operated continuously on this site since 1851. the site and buildings are synonymous with the history of Moorabool Street, the company being renowned Western District drapers and general merchants. Both the founding families are noted Geelong District pioneers and the building, however modified is a tangible link with the foundation years of this distinguished company.

32. While the building has a very long history, it is recognised that development has occurred at various times with additional elements made to the building. In a conservation management plan prepared for the site in 2004, the heritage advisor at the time stated that:

*Overall the significance of the former Bright and Hitchcock's store involves it's evolution and development from the 1850's to the 1950's. the building is not significant for being intact to one particular period, **but for physically expressing the growth and prosperity of the Bright and Hitchcock's firm through architectural design.***

Clause 52.05 – Signs

33. Clause 52.05-2 states that 'A permit is required to construct or put up for display a sign in Section 2'.
34. Part 9.0 of schedule 1 to clause 37.08 is noted to apply the signage controls outlined in category 1 (commercial areas) of clause 52.05-11.
35. Category 1 of clause 52.05 states that all signage not fitting the classification of section 1 signage is a section 2 (permit required) class of signage. As the proposed signage constitutes internally illuminated signage greater than 1.5sqm and business identification signage greater than 8sqm in areas respectively, the proposed signage constitutes a section 2 classification of signage.
36. In addition to the general signage decision guidelines of Clause 52.05-8, it is noted that Council has adopted the *City of Greater Geelong Sign Guidelines | February 2024* ("The Guidelines") with key relevant objectives of "the guidelines" being:
- To ensure signs respond to the natural setting and urban context in which they are located.
 - To ensure signs do not alter or obscure views to significant natural or built features.
 - To ensure signs do not dominate the streetscape, host site or building.



- *To ensure that signs do not interfere with movements and viewlines of pedestrians and cyclists, and the safety of roads and railways.*
- *To facilitate the display of signs for businesses and community groups in order to provide opportunities for identification and promotion where appropriate.*
- *To ensure signs are subordinate and not intrusive to the built form and streetscape environment.*
- *To protect visibility between the public realm and inside buildings.*
- *To encourage a signage character that is consistent with a human scale built form and streetscape. To maintain open and framed views to the sky from the public realm.*
- *To avoid signs that compromise the architectural values of buildings and landscape.*
- *To ensure that the heritage value and significance of a building or place is not diminished by signs.*
- *To ensure illuminated or electronic signs are appropriate and responsive to the heritage area or heritage building.*
- *To encourage the retention of signs with heritage value.*

Assessment Rationale

37. The proposed signage is considered to appropriately respond to the activity centre based strategic context of the subject site, relevant statutory planning controls and decision guidelines on the basis of the below.
38. The proposal also appropriately responds to the strategic objectives relevant to the subject sites location within the retail precinct of the Central Geelong Activity Centre on the basis of the following:
- The proposed signage is broadly consistent with the strategic objectives of the Central Geelong Activity Centre. It will promote and attract retail activity to the site, supporting the wider precinct objective of fostering vibrancy and strong retail performance. This outcome aligns with the role of the Activity Centre as a core contributor to Greater Geelong's economic success.
 - The commercial viability of the site relies on attracting customers, which necessitates appropriately scaled and prominent advertising signage. The extent of signage proposed is suitable to achieve retail visibility and attract customer attention, thereby supporting retail vibrancy and street activation objectives for the precinct.

The proposal also appropriately balances commercial requirements with heritage and public realm considerations. The scale, illumination, and business identification signage are considered acceptable in terms of advertising exposure within the activity centre, while remaining respectful of heritage values and public realm design. The signage is sympathetically integrated with the historic fabric of the Brights Building. Detailed heritage considerations are addressed below.

39. The proposal appropriately responds to the general decision guidelines of clause 52.05 with additional regard to 'the guidelines' on the basis of the following:
- The proposed extent of signage is not considered to amount to clutter. The extent of signage proposed is considered to maximise identification of the proposed building to retail customers via an extent of signage that is consistent with that present within the retail precinct core. The extent of signage is not considered to be out of place or unreasonable excessive when compared to that of the signage character present within the streetscape.
 - The proposed signage is consistent with the visual appearance of the area and visual amenity.
 - The proposed signage will not have any negative impact on road safety
 - The design of proposed signage is considered to be of good quality and will not detract from the building or the surrounding streetscapes architectural expression, particularly in relation to the design, including the colouring of the proposed wording
40. The proposal is considered to appropriately respond to the decision guidelines of heritage overlay on the basis of the following:
- The building is heritage-listed for expressing the growth and prosperity of the Bright and Hitchcock firm through its architectural design. The proposed signage will not detract from its architectural features and will retain its heritage presentation while enabling a commercially viable outcome.



- The proposed signage locations allow the building’s architectural detailing to remain legible, as demonstrated in the renders, while supporting effective commercial operation consistent with precinct objectives.
- The level of illumination is appropriate for a prime inner-city retail location and responds sensitively to the heritage significance of the building. Illumination will not obscure or diminish the building’s architectural expression.
- The signage is reversible and can be removed in the future without damage to heritage-significant fabric, as it is not fixed to defining architectural features.

The proposal will not adversely impact the heritage streetscape, which already contains comparable levels of signage. Given the site’s location within a core retail precinct, the signage is considered an appropriate and integrated element of the streetscape.

41. Rationale for proposed permit conditions to be included on the recommended amended permit is outlined below.

Proposed Specific Conditions

42. Changes are proposed to the conditions of the permit as follows:

Condition / Comment	
Proposed Condition	Signage Expiry
	<p>This permit as it relates to a sign(s) will expire 10years from the issued date of this permit.</p> <p>On expiry of the permit, the sign and structures built specifically to support and illuminate it must be removed.</p> <p>In accordance with Section 69 of the Planning and Environment Act 1987, an application may be submitted to the responsible authority for an extension of the period referred to in this condition.</p>
Assessment	<p>The proposed signage extent is associated with the incoming tenant T.K.Max. The commercial impact of this operator as an anchor to the retail precinct is considered to be key to the precincts commercial success within the sites area of the precinct. It is unclear if T.K.Maxx would be a long term tenant within the site or if any future tenant may need to adjust the proposed signage layout. Given the proposed signage is submitted for the purposes of benefitting T.K.Max, on such basis it is considered appropriate the proposed signage be limited to a period of 10 years validity rather than the standard conditionable approach of 15 years. This will allow the Responsible Authority the ability to review the signage in its future context and determine if appropriate in line with other signage in the area.</p>

Conclusion

43. It is recommended that on balance that proposed planning permit amendment PA2000916-1 should be approved subject to conditions, as the proposal appropriately responds to planning outcomes envisioned within the Greater Geelong Planning Scheme.

Recommendation



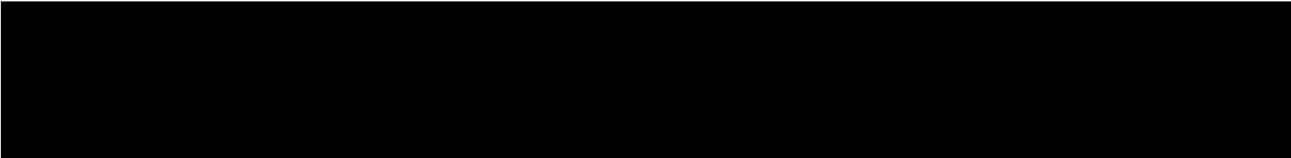
44. The proposed amendments are generally supported by the various formal and informal referral agencies.
45. **It is recommended that the amended** Planning Permit No. PA2000916-1 to include permission for display of internally illuminated business identification signage at 119 Moorabool Street, Geelong, be approved subject to conditions.
46. It is recommended that the applicant, Development Victoria and Greater Geelong City Council be notified of the above in writing.



Prepared by:

I have considered whether there is a conflict of interest in assessing this application and I have determined that I have:

- No Conflict**
- Conflict and have therefore undertaken the following actions:
 - Completed the **Statutory Planning Services declaration of Conflict/Interest form**.
 - Attached the Statutory Planning Services declaration of Conflict/Interest form on to the hardcopy file.
 - Attached the Statutory Planning Services declaration of Conflict/Interest form into the relevant electronic workspace.



Reviewed / Approved by:

I have considered whether there is a conflict of interest in assessing this application and I have determined that I have:

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